



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,198	08/22/2000	Tamotsu Ito	16869P-011900US	1115

20350 7590 06/02/2005

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/644,198	Applicant(s) ITO ET AL.	
	Examiner Christopher R. Nalevanko	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>18 Jan. 2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/10/2004 have been fully considered but they are not persuasive.

Regarding Claim 1, Applicant argues that “amended claim 1 includes limitations for a system control module configured to control the production of a first display signal for a plurality of programs. If a program from the plurality of programs is selected, the system control module is configured to control the production of a second display signal for a plurality of scenes for the selected program. Nowhere does Matthews describe an apparatus for producing a second display signal for a plurality of scenes that is produced from the selection of a program represented by a first display signal. The single-level display of Matthews is merely for programs” (page 6 lines 14-20). Examiner asserts that Matthews does show multiple modes of displaying a program or scene. Matthews clearly shows that a control module (col. 4 lines 9-18, CPU) controls the production of a first display signal for a plurality of programs, designated by a single frame (col. 4 lines 9-25, 45-67, “channel identification panel...includes channel number, channel logo or icon, and a name”). As shown in figure 4, Matthews clearly shows a display signal for a plurality of programs and can be equated to a “first display signal.” Additionally, Matthews shows a combination of options that could correspond to a “second display signal for a plurality of scenes for the selected program.” First, Matthews shows that if a user selects a program from the “first signal” or frame, this program will be displayed and

multiple “frames” will be outputted on the display (col. 4 lines 44-57). This aspect is even admitted by the Applicant on page 6 lines 7-13. Secondly, if a user merely scrolls or moves a cursor over a desired frame, a plurality of frames associated with the program are displayed in that tile (col. 5 lines 15-50, if the programming corresponding to the focused video programming tile is currently available to the viewer station, interactive station controller tunes to the programming and renders it within the video programming tile). Either of these two methods clearly shows a “second display signal” and meets the claimed limitation.

Applicant further argues that “Nowhere does Matthews describe the play back of a program via a scene selection, and certainly fails to describe play back of a program in a small frame” (page 6 lines 23-26). As discussed above, Matthews clearly shows playing, or play-back, of a plurality of scenes via a scene selection (fig. 4, col. 4 lines 9-25, 45-67, “channel identification panel...includes channel number, channel logo or icon, and a name”, col. 5 lines 15-50, if the programming corresponding to the focused video programming tile is currently available to the viewer station, interactive station controller tunes to the programming). Additionally, these multiple frames are rendered in the “small frame” of the program tile (fig. 4, col. 5 lines 15-50, if the programming corresponding to the focused video programming tile is currently available to the viewer station, interactive station controller tunes to the programming and renders it within the video programming tile).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Matthews, III (5,815,145).

Regarding Claim 1, Matthews shows an apparatus for accessing content contained on a storage medium (col. 9 lines 40-55, col. 11 lines 20-47, “media servers provide storage and on-demand or near on-demand delivery of digitized video...full length motion pictures”), the content comprising plural frames, the frames organized into plural scenes, the scenes organized into plural programs (col. 3 lines 20-25, col. 4 lines 45-61, col. 7 lines 60-65, full motion MPEG-2 video, “multi-frame video segment relating to programming available on a corresponding one of the selected channels”). Matthews further shows a driver module configured to access the content and having a driver output to produce an information signal representing the content (col. 3 lines 30-67, col. 4 lines 1-42, “interactive station controller 20 transmit digital information to and receive digital information from central node 12”, “station controller includes an input that delivers communications or information from central control node to a communication interpretation system”, “network communications interface 62c”), a decoder module operatively couple to the driver module to receive the information signal (col. 3 lines 60-63, digital video decoder), a user input module configured to receive user input (col. 4 lines 11-18, infrared receiver and decoder system that receives user input from a hand-

held view control unit), and a system control module (col. 4 lines 9-18, CPU). Matthews also shows that the system control module, or CPU, controls the driver and decoder modules to produce a first display signal for the plurality of programs (col. 4 lines 9-25, 45-67, “channel identification panel...includes channel number, channel logo or icon, and a name”), and wherein the control module, in response to a user selection from the select button (col. 4 lines 40-44, action button 91), and controls the decoder module to produce a second display signal for the plurality of scenes (col. 4 lines 62-67, user selects video programming tile with keypad, col. 5 lines 1-5, selection using keypad and numeric values, lines 15-22, selected video tile program is rendered with multi-frame video segment). Finally, Matthews shows that the control module, in response to a user specified program selection from the cursor button (col. 4 lines 60-67, using directional control pad, col. 5 lines 5-15, cursor focuses on tile frame), is configured to control the decoder module to play automatically the selected program as a small frame if there is no button input (col. 5 lines 15-50, if the programming corresponding to the focused video programming tile is currently available to the viewer station, interactive station controller tunes to the programming and renders it within the video programming tile). The system displays the plurality of video frames in the small tile regardless of if the user presses an input. All that is necessary is for the user to scroll the cursor over the designated tile.

Regarding Claim 36, the claimed limitations have been discussed with regards to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (5,815,145) in further view of Hassell et al (2004/0128685).

Regarding Claims 35 and 37, Matthews fails to specifically state that playback can be performed as fast-forward. Hassell clearly shows using fast-forward play back (page 4 section 0040, page 6 section 0066, fast forward playback mode). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews with the ability of Hassell to use fast forward playback so that the user would have the convenience of controlling the video stream.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2611

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Nalevanko whose telephone number is 571-272-7299. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Nalevanko
AU 2611
571-272-7299

cn



CHRIS GRANT
PRIMARY EXAMINER